Document #5367
Adopted 12/13/90

FINDING OF THE BOSTON REDEVELOPMENT AUTHORITY UNDER MGL CH. 91, SEC.18 AND ARTICLE 42A-5

Article 42A-5 of the City of Boston Zoning Code establishes the criteria and standards used by the Boston Redevelopment Authority (BRA) in making a recommendation to Department of Environmental Protection (DEP) as to whether a proposed project "serves a proper public purpose" and "would not be detrimental to the public rights in tidelands." Of the eleven sections of Article 42-5, only sections 1, 2, 4 and 5 are applicable to the Pilot House Extension (PHE) project. The following finding reviews the compliance of PHE with the relevant requirements.

Section 1 - Determination of Proper Public Purpose

This section addresses how the project reasonably and appropriately preserves and enhances the public's rights in Tidelands, including:

Visual access to the water;
Rights of fishing, fowling and navigation;
Physical access to the water's edge for recreation, commerce and other lawful purposes;
Interest in preservation of the historic character of the site;
Interest in industrial and commercial waterborne transportation of goods and persons;
Interest in repair of dilapidated piers that limit public access; and
Interest in safe and convenient navigation.

The Pilot House Extension is supportive of the above public rights and interests in Tidelands. Visual access to the water has been provided from many points along Commercial Street and from the important Fleet Street view corridor. The rights of fishing, fowling and navigation are extremely limited as the project site does not contain flowed tidelands. However, landside public access has been provided through the proposed building and along the project perimeter, linking to the pedestrian access network proposed under the Lewis Wharf project. Substantial landscaped public open space has been provided on the adjacent Lewis Wharf site and approximately 57% of the combined Pilot House Extension/Lewis Wharf site is set aside as public open space. As confirmed in the letter received on the DEIR/DPIR from the Massachusetts Historical Commission, the project design respects the historic character of the vicinity and is compatible with the architectural character of the adjacent Pilot House Building.

Section 2 - Public Access to the Waterfront and Open Space

Article 42A-5 requires projects to provide continuous on foot public access, a pedestrian access network, public open space and public access facilities which are open 24 hours a day and accessible to the physically challenged, to encourage year-round use and activity, and to include appropriate signage indicating rights of public access.

The Pilot House Extension complies with this section through the connections to the Lewis Wharf pedestrian access network, all of which shall be open to the public 24 hours a day, subject to reasonable rules and regulations that have been provided to the BRA and DEP for review. All portions of the project, including building interiors will be accessible to the physically challenged. The provision of retail activities on the first floor of the Pilot House Extension will ensure that the project is an area of year-round activity. Signage will be provided throughout the site, indicating availability of public access.

Section 4 - Creation of Housing on Land Owned by a Public Agency

This section requires the creation of at least 25% affordable housing on site or contributions toward the creation of affordable dwelling units off-site in accordance with a formula for assistance. The Lewis Wharf project will make a voluntary contribution of $1,500,000.00 for the creation of affordable housing at Sargents Wharf.

Section 5 - Minimum Affordability Requirement for the North End Waterfront

This section provides for the creation of housing off-site in the Housing Priority Area or North End neighborhood through funds provided in Section 4 above. The contribution from the Pilot House extension project will play a signficant role in the ability to create affordable housing on Sargents Wharf.

Summary

In summary, the Pilot House Extension project serves a proper public purpose and will not be detrimental to the public rights in tidelands. The project conforms with each of the relevant objectives of Article 42A-5. The Boston Redevelopment Authority hereby finds that the Pilot House Extension development proposal is deserving of a Chapter 91 license and recommends under the provisions of 310 CMR 913(5) that a Chapter 91 license be granted by DEP for the above project.

MEMORANDUM DECEMBER 13, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, ASSISTANT DIRECTOR FOR HARBOR PLANNING AND DEVELOPMENT
VICTOR KAREN, DEPUTY DIRECTOR FOR HARBOR PLANNING AND DEVELOPMENT
JOHN NOONE, PROJECT MANAGER

SUBJECT: PARCEL B-3(A), KNOWN AS THE PILOT HOUSE EXTENSION, LOCATED IN THE DOWNTOWN WATERFRONT - FANEUIL HALL URBAN RENEWAL AREA

EXECUTIVE SUMMARY: **THE DEVELOPER REQUESTS THE BRA'S RATIFICATION THAT THE PREVIOUSLY APPROVED PILOT HOUSE EXTENSION PROJECT (1) COMPLIES WITH THE PUBLIC PURPOSE REQUIREMENTS OF THE REVISED CHAPTER 91 REGULATIONS AND (2) IS CONSISTENT WITH ARTICLE 42A OF THE BOSTON ZONING CODE.**

Parcel B-3(A) is a 13,424 square foot parcel conveyed to the Gunwyn Company by the Authority and situated at the southeast corner of the intersection of Eastern Avenue and Commercial Street within the Downtown Waterfront - Faneuil Hall Urban Renewal Area.

On September 13, 1990, the Authority granted final designation to the Gunwyn Company as redeveloper of Parcel B-3(A). The Gunwyn proposal includes 57 condominium units in a traditional wharf-like brick structure that matches the height of the existing Pilot House. The project is in accord with the RFP guidelines published by the Authority, dated March 23, 1989, and with the North End/Downtown Waterfront zoning.

The developer requests the Authority's ratification on its prior votes with respect to recommending approval of zoning exceptions and conditional use permits for the Pilot House Extension, and include in its recommendation that the approved building for Parcel B-3(A) is consistent with the height and massing of the Pilot House and is in substantial accord with the guidelines published by the Authority in its Request for Proposals, dated March 23, 1989.

The developer has also requested that in accordance with Subsection 1 of Article 42A Section 5 of the Zoning Code the Authority make a finding that the redevelopment of the Pilot House Extension conforms with Subsections 2 through 11 of Article 42A and would serve a proper public purpose and would not be

detrimental of the public's rights in these tidal lands. This finding is a requirement of Section 18 of Chapter 91 of the M.G.L.

Appropriate votes follow:

VOTED: That the Authority confirms its prior votes with respect to authorization of the Director to recommend approval of certain zoning exceptions and conditional use permits for the Pilot House Extension, and further that the Director is hereby authorized to include in his recommendation to the City of Boston Zoning Board of Appeals the fact that the approved structure for the Pilot House Extension is consistent with the height and massing of the Pilot House and is in substantial accord with the guidelines published by the Authority in its requests for proposals and dated March 23, 1989, and that the Urban Renewal Designation previously voted by the Authority conforms to the Downtown Waterfront - Faneuil Hall Urban Renewal Plan; and further

VOTED: That in accordance with Subsection 1 of Article 42A Section 5 of the Zoning Code the Authority hereby determines that the redevelopment of the Pilot House Extension conforms with Subsections 2 through 11 of Article 42A and would serve a proper public purpose and would not be detrimental of the public's rights in these tidal lands and that the Director be authorized to inform the State's Department of Environmental Protection that the project complies with the requirements of section 18 of Chapter 91 of the M.G.L., all in accordance with the entitled "Findings of the Boston Redevelopment Authority under M.G.L. Chapter 91 Section 18 and Article 42A-5" attached hereto and incorporated in the vote as if it had been set forth herein.